

Annex 3

PARTICIPATION IN IACS' TECHNICAL WORK AND ACCESS TO IACS RESOLUTIONS AND TECHNICAL BACKGROUND DOCUMENTS.

This document sets out the procedure for participation by non-IACS Classification Societies in IACS' technical work and for access by non-IACS Classification Societies to IACS' Resolutions and Technical Background (TB) documents.

1. PROCEDURES FOR PARTICIPATION BY NON-IACS CSs IN IACS' TECHNICAL WORK

1.1 IACS shall provide non-IACS CSs with the opportunity to participate fully in IACS' technical work, as described below.

Participation in the IACS TC Forum

1.2 IACS shall maintain a subscription-based online Technical Contributions Forum ("IACS TC Forum") on IACS' website providing CSs with a platform for publication of comments and discussion with other CSs (including both IACS Members and non-IACS CSs) relating to IACS' technical work programmes. The subscription shall be set to recover the reasonable costs of establishing and maintaining the IACS TC Forum only. The IACS TC Forum shall show all technical work items leading to new or revised technical IACS Resolutions and, as soon as they become available, the initial draft related to those technical work items.

1.3 IACS shall publicise on its website the existence of this platform and the requirements for being granted access (i.e. the requirements for qualifying as a CS).

1.4 All subscribing CSs shall be informed by way of electronic notifications about any new work item or new draft of IACS Resolutions posted on the IACS TC Forum.

1.5 Any CS that subscribes to the IACS TC Forum has the right to comment on and discuss, through its own employees, the individual technical work programme items and to upload its own proposals on them.

1.6 The procedure for subscribing to the IACS TC Forum shall be as follows:

- (a) A request to subscribe to the IACS TC Forum shall be made by the interested party to the IACS Permanent Secretary by submitting documentation evidencing that the interested party is a CS. The IACS Permanent Secretary shall promptly review the documentation and make a recommendation on the application to Council for decision.
- (b) Subject only to Council being satisfied that the interested party is a CS, the General Policy Group (GPG) shall make all necessary arrangements and provide the relevant CS with all relevant information to provide it with full access to the IACS TC Forum.
- (c) An interested party which has applied for but has been refused access to the IACS TC Forum on the basis that it is not a CS shall be entitled to appeal this decision to the Independent Appeal Board in accordance with the Appeal Board Rules of Procedures.

Participation in IACS Working Groups (WG)

- 1.7 Any non-IACS CS which is registered on the IACS TC Forum can at its option participate with its own employees in IACS WGs in accordance with the following procedure:
- (a) Within 1 month of publication of a new technical work item on the IACS TC Forum, any non-IACS CS which wishes to participate in the work relating to that item may notify the IACS Permanent Secretary of its request to be granted full access to the relevant discussions of the WG in charge of that work item;
 - (b) The IACS Permanent Secretary shall promptly inform the relevant WG Chairman of any such request for participation, who shall make all necessary arrangements and provide the relevant non-IACS CS with all relevant information to allow the non-IACS CS full access to the work of the WG;
 - (c) A non-IACS CS which participates in a WG shall have full access to the same information, the same opportunities to state its views and to contribute to the discussions within the WG as any IACS Member in that WG on a non-discriminatory basis;
 - (d) A non-IACS CS which has made a request for participation in accordance with paragraph 1.7(a) but considers that it has been denied the effective exercise of the specific rights particularised in paragraphs 1.7(b) and (c) shall promptly raise the matter with the relevant IACS WG Chairman with a view to finding an agreeable solution:
 - (i) If not resolved at the WG level to the satisfaction of the non-IACS CS within 14 days of the grievance having arisen, the non-IACS CS shall, within 14 days of the determination at WG level, be entitled to refer the matter to the Chair of the IACS GPG for a decision. The reference shall be made in writing, shall be copied to the IACS WG Chairman and all WG members and shall, among other things, specify the specific nature of the alleged complaint; the precise nature of the redress sought; and details concerning the attempts made to resolve the matter at the WG level. The Chair of the IACS GPG shall decide the matter by way of a written and reasoned decision within 14 days.
 - (ii) The relevant non-IACS CS shall be entitled to appeal the decision of the Chair of the IACS GPG to the Chairman of the Independent Appeal Board in accordance with the Appeal Board Rules of Procedures.
 - (e) The WG Chairman shall summarise all views expressed by the WG participants in the technical recommendation that the IACS Members within the WG may resolve to put to GPG/Council for adoption by IACS;
 - (f) All IACS Members and non-IACS CSs which participate in a WG shall bear their own costs of their employees' participation in the WG and shall make a reasonable and proportionate contribution to the running expenses of the WG.

2. PROCEDURES FOR ACCESS BY NON-IACS CSs TO IACS RESOLUTIONS AND TB DOCUMENTS.

- 2.1 IACS shall place in the public domain, at the same time and in the same way as they are made available to IACS Members, all current and future versions of IACS Resolutions, as well as a history file containing the main points of discussion and any TB document.
- 2.2 IACS' website shall include a statement that non-IACS CSs are free to use such material, royalty free and without licence, by embedding it in their own classification rules, notwithstanding any intellectual property rights that may be held by IACS Members.
- 2.3 IACS shall place no restriction on their individual freedom to enter into any agreement with any CS in relation to the provision of further information or assistance with regard to the application of IACS Resolutions.
- 2.4 A decision (whether explicit or implicit) not to publish an IACS Resolution or existing Technical Background document available to IACS Members shall be appealable to the Independent Appeal Board.
- 2.5 The Procedure at paragraph 2.2 above is based on the premise that, where a CS decides to embed IACS Resolutions into its own published rules, it shall be the responsibility of that CS to verify the contents and the application of the IACS Resolutions. IACS, IACS Members and IACS Ltd shall not be taken to have made any representation that any CS using IACS Resolutions, pursuant to this paragraph 2.5 or otherwise, is operating in compliance with IACS Resolutions and they accept no liability (in contract, tort or otherwise) for any defect or deficiency in IACS Resolutions, or the related information, or for any resulting damage.
- 2.6 IACS shall release to the public, free of charge, a Common Structural Rules (CSR) Tracking Database to provide users with a searchable database on CSR revision history with supporting materials. IACS shall ensure that all relevant industry associations representing ship-owning, shipbuilding, cargo and insurer interests and non-IACS CSs are invited and able to register their users with the Permanent Secretariat, who shall then issue user log-in IDs so that they may access the CSR Tracking Database.

3. ADOPTION OF COUNCIL DECISIONS

- 3.1 For the avoidance of doubt, the Council decisions referred to in paragraphs 1.6 and 2.4 (where Council makes an explicit decision) of this Procedure shall be adopted as follows: when three-quarters of all Council members entitled to vote are available they shall constitute a quorum to vote upon a decision, and that decision shall not be passed unless three-quarters of all Council members entitled to vote vote in its favour.
